



Appeal Decision

Site visit made on 27 March 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/Y3940/W/22/3307349

Follywood Farm, Brinkworth Road, Royal Wootton Bassett SN4 8DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Taylor against the decision of Wiltshire Council.
 - The application Ref PL/2021/09997, dated 20 October 2021, was refused by notice dated 20 August 2022.
 - The development is a temporary mobile home for occupation by essential on-site equestrian worker.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary mobile home for occupation by essential on-site equestrian worker at Follywood Farm, Brinkworth Road, Royal Wootton Bassett SN4 8DT in accordance with the terms of the application, Ref PL/2021/09997, dated 20 October 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The mobile home hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period the residential use hereby permitted shall cease, the mobile home and associated residential structures and paraphernalia brought onto, or erected on the land, or works undertaken to it in connection with the residential use shall be removed, and the land restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
 - 2) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in connection with the equestrian enterprise at Follywood Farm, Brinkworth Road, Royal Wootton Bassett, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Application for costs

2. An application for costs was made by Mr and Mrs J Taylor against Wiltshire Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission was originally granted for the 'siting of mobile home as temporary accommodation for essential worker and change of use of agricultural land and buildings to equestrian use for stud farm and training liveryes' by the Council in January 2010¹. A condition was attached requiring

¹ N/09/01452/FUL

the temporary accommodation to be removed on or before 30 January 2013. However, the accommodation was not removed, and an enforcement notice in relation to the breach of the planning condition was issued on 14 January 2020. The enforcement notice was subsequently appealed and was dismissed on 6 July 2021².

4. The appeal was dismissed on the grounds that the proprietor of the equestrian business at the time, Ms Claire Chambers, lived approximately 300m from the appeal site, at a property known as Vale View. Therefore, the Inspector concluded that 'living in such proximity to the site is sufficiently close to be on hand to provide any necessary care and welfare for the horses' and that there was 'insufficient justification for the continued siting of the mobile home'. Under the appeal before me now, the appellant advises that Ms Chambers is ending her tenancy and that a new tenant, Ms Caroline Nutland, wishes to take on the tenure for her own livery business. I have had regard to this previous appeal decision insofar as it is relevant to the development before me now.
5. Therefore, the main issue in this case is whether there is an essential need for the mobile home to accommodate a rural worker, having particular regard to the information and evidence of need, to justify the retention of the mobile home as an exception to the settlement and delivery strategy.

Reasons

6. The mobile home is situated adjacent to a group of stable buildings and associated manege at Follywood Farm. The equestrian use is clearly an established use on the site. At the time of my site visit the stables were occupied by approximately 8 horses, however, based on the evidence, I note that the stables would be able to accommodate up to 14 horses.
7. The appeal site lies outside of any adopted settlement boundaries. It does not form part of the 'settlement strategy' or 'delivery strategy' set out in Core Policies 1 and 2 of the Wiltshire Core Strategy (Core Strategy) (2015), which directs development to the most suitable and sustainable locations. Therefore, the site is classed as open countryside. However, Core Policy 2 recognises that there are exception policies in the Core Strategy, which seek to respond to local circumstances. One of these exception policies is Core Policy 48, which supports proposals for residential development where these meet the accommodation needs required to enable workers to live at or in the immediate vicinity of their place of work in the interests of agriculture or forestry or other employment essential to the countryside. It continues to state that proposals for accommodation to meet the needs of employment essential to the countryside should be supported by functional and financial evidence.
8. It has previously been accepted by both the Council and the previous Inspector that there is a functional need for someone to live on site to provide care for the equestrian use. Despite the brevity of the statement from the new tenant, and the lack of any formal business plan, the functional need for the mobile home in relation to the proposed livery business is clear. The livery business would be a rural based enterprise and the mobile home would be used in connection with the essential needs related to such a use.

² APP/Y3940/C/20/3247225 and APP/Y3940/X/19/3243397, dealt with as a single appeal decision letter

9. I note the viability concerns relating to the incoming business, and the advice in the Planning Practice Guidance (PPG) in regard to 'the degree to which there is confidence that the enterprise will remain viable for the foreseeable future'. However, I note the estimates of costs per month and income per month provided in the new tenants' statement, which demonstrates that it would be reasonable to expect the proposed livery business to deliver a profitable business. The Council has provided little justification why I should come to a different conclusion on this matter. I also note that the new proprietor is experienced in the equestrian field, having ran an existing livery business elsewhere for approximately 20 years. Given the temporary nature of the mobile home, should the incoming tenant leave, it would not result in an unwarranted dwelling in the open countryside being 'left' as the mobile home could easily be removed from the site.
10. Furthermore, the financial test is no longer required by the National Planning Policy Framework 2021 (the Framework). Therefore, this criterion of Core Policy 48 would no longer be consistent with the Framework and the lack of any financial evidence would not be a sufficient reason to withhold planning permission. It is also worth noting that the advice of the Council's specialist advisor, APA Consultants Ltd³, under the previous appeal concluded that the business of the previous proprietor fell short of viability. However, the Inspector did not raise the lack of viability of the previous equestrian use as a reason to dismiss the earlier appeal.
11. I acknowledge that the development is in a countryside location, where new dwellings are only permitted in exceptional circumstances. However, I am satisfied that the development is in connection with the essential needs of a rural based enterprise. Consequently, it would meet the special circumstances set out by the development plan to allow development in the countryside.
12. As noted above, the previous appeal was dismissed on the basis that Ms Chambers lived approximately 300m away at Vale View. Whilst I am not aware of the evidence before the previous Inspector, the evidence before me now is that Ms Chambers no longer lives at Vale View and now lives approximately 1.3km from the appeal site. The Council Tax records provided by the Council confirms that Ms Chambers is registered as the sole occupier at the mobile home at Follywood Farm since 1 March 2021. Both the main dwelling and the mobile home at Vale View are registered to another party. In view of the evidence before me now, I am satisfied that there is a functional need to have on-site presence at the appeal site and I have not been presented with any evidence that there are any other buildings or dwellings close by which could fulfil this functional need.
13. For the reasons set out above, I conclude that that there is an essential need for the mobile home to accommodate a rural worker. I am satisfied that sufficient information and evidence of need has been submitted to justify the mobile home as an exception to the settlement and delivery strategy. Therefore, the development is in accordance with Core Policy 48 and Saved Policy H4 of the North Wiltshire Local Plan 2011 which supports dwellings in the countryside where it is in connection with the essential needs of a rural based enterprise.

³ Appendix 5 of the Council's Appeal Statement

14. It is also in accordance with Core Policy 2 of the Core Strategy, which supports the 'exception policies', such as Core Policy 48. The compliance with Core Policy 48 and Saved Policy H4 would mean that any conflict with the adopted settlement strategy, as set out in Core Policies 1 and 19, and with Core Policies 60 and 61, in regard to encouraging more sustainable transport by planning developments in accessible locations, would not be determinative.

Other Matters

15. Whilst it did not form part of the refusal reason, I note the Council's Case Officer's Report has reiterated the findings of the previous Inspector in regard to the 'small adverse impact on the character and appearance of the countryside'. Whilst the mobile home is an additional building in the open countryside, the development does not, as a result of its small scale, and appropriate siting adjacent to the larger stable buildings on site, appear as particularly incongruous in the landscape. An earth bund is positioned to the south of the mobile home, enclosing the site from any wider views to the south. Therefore, whilst there may be a 'slight adverse impact' by virtue of it being additional development in the countryside, any impact is outweighed by the justified need for the proposal.
16. I note the concern raised by the Council in regard to the previous proprietor, Ms Chambers, still occupying the mobile home and running the equestrian business at Follywood Farm. Whilst this may be the case, even if Ms Chambers continues to occupy the mobile home, this does not alter the merits of the case, or the lack of available alternative accommodation in the vicinity of the appeal site, based on the evidence before me.

Conditions and Conclusion

17. A condition restricting the permission for a temporary period only is required given the temporary nature of the mobile home in question.
18. The PPG indicates that planning permission usually runs with the land and that it is rarely appropriate to provide otherwise. The PPG continues to state that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. These are generally only appropriate to restrict occupation to a particular category of person in order to comply with policy (e.g. agricultural worker). Given that the mobile home is located in a countryside location where new residential development would not normally be permissible, and that the mobile home is only being allowed for the exceptional reasons set out above, a condition restricting its occupation, to a person working in connection with the equestrian enterprise at Follywood Farm, is necessary.
19. A personal condition restricting the occupation of the mobile home to the incoming tenant, Ms Nutland, is not considered reasonable or necessary given the change in circumstances of the previous tenant, Ms Chambers, since the earlier appeal.
20. I therefore conclude, having considered all other matters raised, that the appeal should be allowed.

Laura Cuthbert

INSPECTOR